afterwards discover one or more who has been or shall hereafter be guilty of any robbery, so that he or they may be convicted thereof; such discoverer shall be entitled to pardon for all robberies which he shall have committed before such discovery was made.

In conformity with the resolve of the 5th of last March, I wrote to the Secretary of War, proposing that the demand of this Commonwealth against the United States for the ordnance and military stores delivered for their use, should be referred in the manner recommended by that resolve. In his answer the Secretary declined the proposed reference, and adhered to the proposition he had before made that there should be a new appraisement of the ordnance and stores, excepting the cannon that were delivered for the ship Constitution, and those delivered with the Castle, from which the trunnions had been broken off, which he refused to consider as the property of the United States. By advice of the Council I acceded to this on condition that the estimate should have relation to the time when the articles were delivered, and that interest should be allowed on the appraised value. He soon after informed me, that he had directed the appraiser appointed by him to attend to the business, and observed, that he could not undertake to give a positive opinion of the subject of interest, but that whatever had been the usual practice at the Treasury in similar cases, would undoubtedly be done. The articles not objected to were appraised at 21,306 dollars and 87 cents, the appraisers certifying that they were of that value when delivered; and I requested the Secretary of War, if he consented to the payment of interest, to pay the whole amount to the Treasury of this State. He has lately enclosed to me a report from the Accountant of the War Department, stating that our claim of interest is inadmissible, unless specially granted by Congress. He also informed me, that the Treasurer of the United States had been directed to pay the principal sum to the Treasurer of this State. The papers relative to this subject will be delivered to you by the Secretary.

A copy of an article of amendment proposed by Congress to be added to the Constitution of the United States, respecting the election of President, and Vice-President, has been transmitted to me by the President of the United States, and will be laid before you.

I have also received from the Department of State, three boxes supposed to contain eleven hundred and five copies of the laws of the United States.—They are deposited in the office of the Secretary of the Commonwealth to be disposed of as the legislature shall direct.

That I may detain you, Gentlemen, no longer at this time I will communicate by message any other circumstances of which I may be informed, that shall have a claim to your notice; and I flatter myself that during the session we shall cherish sentiments of mutual friendship and respect, and not suffer personal disagreement or party interest to divert us, in any instance, from the practice of those duties which we owe to the public, and to one another.

CALEB STRONG.

BOSTON, Jan. 13, 1804.

NOTICE

AT the request of one of the creditors of James M'Donald, bankrupt, the allowance of his final certificate is postponed until the 19th March next at 10 o'clock A. M. at the court house in the county of Washington, at which time and place it will be allowed, unless cause be then and there shewn to he contrary.

W. CRANCH, assistant judge of the circuit court of the district of Columbia.

Jan. 30—3t

STOP THE THIEF.

Ten Dollars Reward.

ON Sunday the 8th inst. came to the house of Mr. Peter Meem in George Town, Potomac, as a boarder, a man about 25 years of age, had on a blue or brown coat, a waistcoat with stripes across the breast green corduroy pantaloons, loose black hair, sometimes turned up under his hat, has a strange look with his eyes. Some time in the night following, he went off and stole a rough blue surtout coat, with large blue pockets in the haunches lined with green baize, a single cased silver watch with a painted image on the face, a pair of boots with black tassels and square toes, the boots will be rather large for him, a pair of shoes lined and bound, almost new. From information received since he made his escape it appears his name is John Law, by trade a cabinet maker, said he served his time with Mr. John Law of Baltimore, who he said was his cousin, it is supposed he is gone into Virginia, by Leesburgh or Winchester. The above reward will be paid by the subscribers to any person who will secure said thief so that he is brought to justice, and all reasonable charges paid.

SAML. COLLINGWOOD,
NICHOLAS HILLARY.

Jan. 30—w3t

N. B. In the pockets of the surtout there was a small Psalm book with the name Ann Collingwood in the front with her age and time of her death, the loss of which is much regretted, as it is expected he will throw it away, any person finding it and will leave it at Mr. Meem's in George Town, will be thankfully rewarded.

CONGRESS.

HOUSE OF REPRESENTATIVES.

SATURDAY, January 7.

Debate on Mr. Randolph's motion for the appointment of a committee of enquiry into the official conduct of SAMUEL CHASE.

(Concluded.)

Mr. NICHOLSON rose for the purpose of calling the attention of the House to precedents. When he yesterday addressed them he had thought it unnecessary to introduce authorities from foreign nations; but as they had been insisted on by the opponents to the resolution, he would refer to two or three;—and he was more solicitous to do so at the present moment, as he saw a gentleman from Connecticut (Mr. Dana) about to rise, and he wished to call the gentleman's attention to them, in order that he might remark on them, and shew, if it was to be done, that they did not apply to the case under consideration. If gentlemen would refer to the powers exercised by the Commons of England, for time almost immemorial, and to those exercised by the several state legislatures, he believed that precedents innumerable would be furnished. The Commons of England were the grand inquest of the nation. As such it was their duty to enquire into the official conduct of all those entrusted with the powers of government. Every officer in the Realm was liable to impeachment by them. The same principle would be found to run through the constitution of most of the states, and it was wisely introduced into the constitution of the United States. The power to impeach is admitted to be in the House of Representatives, and the only question is, as to the manner in which this power shall be exercised. The proposed method is called a loose one, and we are asked to shew some precedent for it. The House of Commons at the commencement of every session appoint what is there called a committee of grievances and courts of justice. Many of the state legislatures appoint a similar committee annually, and in the state from which he came, the House of Delegates always appoint a committee of grievances and courts of justice. It was one of their standing committees, and the appointment was as regular and as usual as the appointment of a committee of claims in this House. What then he enquired was the duty, what the authority of this committee? In England, in Maryland, and in every other state where it exists, it is their duty to enquire into the conduct of every officer of the government—to call witness before them to prove official misconduct—to report offences to the House from which their powers are derived, and recommend the proper measures to be adopted. This House like the Commons of England, and the most numerous branch in the state legislatures, is the grand inquest of the nation—they are to enquire into crimes and to bring offenders to justice. It had not, he said, heretofore been customary for the House to appoint a committee of grievances and courts of justice, but he believed no man would deny the power, and when appointed, they would not only have the authority, proposed to be invested in this committee, but one infinitely more extensive. They would have the right to enquire into the conduct of all civil officers, and to report such facts as might come to their knowledge. If then we could with propriety and agreeably to precedent authorise an enquiry into the conduct of several hundred officers, could it be denied that the same precedent would warrant an enquiry into the conduct of two only? In 5th Comyns Digest, page 204, it would be found that a committee of grievances and justice was one of their standing committees, and in page 205, it was declared that they might "Summon any judges, and examine them in person, upon complaint of any misdemeanor in office." He presumed it had not been thought necessary heretofore to appoint a general committee of this kind, but at present the necessity was apparent, as a complaint had been made to the House of the official misconduct of two judges. Again in the same book page 209, it is said "The Commons are the general inquisitors of the realm, and therefore if a lord spiritual or temporal commit oppression, bribery, extortion, &c. the Commons shall enquire of it, and if by the vote of the House, the crime appears to have been committed, they transmit it, with the evidence to the lords." This he said would clearly shew, what indeed he thought common sense would teach every man, that the enquiry should be made before proof was exhibited, upon which an impeachment was to be grounded.—In the same page it would be seen that "Common fame is a sufficient ground of a proceeding in the House of Commons by enquiry, or by a complaint, if need be, to the king or lords." And Rushworth's Historical Collection page 217, is cited in which it is said by some of the ablest lawyers of that day that "If common fame were not to be admitted as a public accuser, great men would be the only safe ones, as no private man would venture to complain of them." Mr. N. referred to these authorities at that particular stage of the discussion, as he was desirous of giving gentlemen an opportunity of commenting on them. As he had no wish to prolong the debate, he would not multiply observations upon that point, but could not sit down without noticing what had just fallen from a gentleman from Massachusetts, in which he had again attempted to vindicate the conduct of the judges upon the trial of Fries.

The gentleman had referred to a case in Dallas's Reports respecting the Western Insurrection, in which he says the point of law determined upon the trial of Fries, had been previously settled by one of the federal courts; and from thence infers that Mr. Chase and Mr. Peters were justified in preventing counsel from arguing it a second time. That such conduct might perhaps be excusable in a civil cause he was not prepared to deny, but in a case of criminal jurisdiction, involving the guilt or innocence of a man, whose life was to be the forfeit, he held it totally unjustifiable.

All men he said were acquainted with the circumstances of what was generally called the Western Insurrection. Some of the western counties of Pennsylvania were opposed to the excise law. A considerable majority of the people had resolved to oppose its execution, and took strong measures to prevent individuals from accepting offices under it, and compelled some of them to resign the places to which they had been appointed.—While they professed an attachment to the government of the Union they resolved to resist the execution of one of its laws. Among these was a man by the name of Mitchell, and he was charged with high treason before the circuit of Pennsylvania in which judge Paterson then presided. A doubt existed whether the resistance to the execution of a law, even by force of arms, was such a levying of war within the meaning of the constitution, as amounted to treason. What was the conduct of the judge on that occasion? He had no disposition to preclude enquiry. He had no wish to keep the jury in ignorance by forbidding fair and open argument.—On the contrary it appeared from a note in the 348th page that he called the attention of the prisoner's counsel to the point and requested that they would notice it in their observations. This was done before the defence was opened, and he said he should beg leave to read a part of the argument made in favor of the prisoner. "The counsel for the prisoner (*E. Tilghman and Thomas*) premised that they did not conceive it to be their duty to show that the prisoner was guiltless of any description of crime against the United States, or the state of Pennsylvania; but they contended that he had not committed the crime of high treason, and ought therefore to be acquitted upon the present indictment. The adjudications in England upon the various descriptions of treason, had been worked, incautiously into a system, by the destruction of which, the government itself would be seriously affected: but even there, the best judges and the ablest commentators, while they acquiesce in the decisions that have already taken place, furnish a strong caution against the too easy admission of future cases, which may seem to have a parity of reason. Constructive and interpretive treasons must be the dread and scourge of any nation that allows them 1. Hal. P. c. 132, 259. 4 Bl. Com. 85. take then the distinction of treason by levying war, as laid down by the attorney of the district, and it is a constructive or interpretive weapon, which is calculated to annul all distinctions heretofore wisely established in the grades and punishments of crimes; and by whose magic power, a mob may be easily converted into a conspiracy; and a riot aggravated into high treason." Such, he said, was the opinion of two gentlemen ranking high in their profession, and who would not be charged with having any feeling toward the offence or the offender, inconsistent with the rights or the interests of the government. The whole argument was too lengthy to be read to the House, but he considered it well worth the perusal of every American. Able as it was however, it had not the wished for weight with the court. Judge Paterson gave the following charge to the jury:—"The first question is, what was the general object of the insurrection? If its object was to suppress the excise offices, and to prevent the execution of an act of Congress, by force and intimidation, the offence, in legal estimation, is high treason; it is an usurpation of the authority of government; it is high treason by levying of war." Sir, said Mr. N. this opinion of the court may have been honest—I mean not to impeach the purity of motive which dictated it; but I mean to shew that the offence with which Mitchell was charged, the resistance to the execution of a law, was not considered as treason by the highest existing authority in this country. Mitchell was pardoned by the President of the United States, and Congress not long after expressed their opinion on the subject in the most ample manner. The trial of Mitchell which I have just quoted took place in 1795, and in 1798 the subject was taken up by Congress, who by the act of the 14th of July 1798, provided that the resistance to the execution of a law should be considered a high misdemeanor only, punishable by fine and imprisonment. The act is in these words—"If any persons shall unlawfully combine or conspire together, with intent to oppose any measure or measures of the government of the United States, which are or shall be directed by proper authority, or to impede the operation of any law of the United States, or to intimidate or prevent any person holding a place or office in or under the government of the United States, from undertaking, performing or executing his trust or duty, he or they shall be deemed guilty of a high misdemeanor, and on conviction before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding five thousand dollars, and by imprisonment during a term not less than six months nor exceeding five years." Here, Sir, the resistance to the execution of a law is declared to be a high misdemeanor only, punishable by fine and imprisonment—Fries was tried in 1800, two years after the passage of this law—the offence of which he had been guilty was rescuing prisoners from the marshal by force, thereby, in the language of the act, *preventing an officer of the U. States from performing and executing his duty*, and it was to shew that he was punishable under this act by fine and imprisonment only, that his counsel were desirous of bringing the law before the jury. This however the court refused; the man was convicted of high treason, and was sentenced to a most ignominious death. Let such conduct be vindicated where and by whom it may, I must declare that it can never meet my approbation.

Mr. DANA. It is to be regretted, Mr. Speaker, that a resolution so novel and of so much importance as that on the table was not postponed, at least for one day after it was presented to the House. Had this been done, gentlemen might have had some opportunity deliberately to examine the subject, before they were required to make a decision. But as the resolution was moved without giving any previous notice, and has been pressed upon us immediately after it was moved, I do not feel myself prepared, as I could have wished to be, on such a question, before attempting to deliver my sentiments in this House. Unprepared however as I am, I request your indulgence while I offer a few remarks.

I will first attend to some precedents mentioned by the gentleman from Maryland, (Mr. Nicholson.) He has stated that it has been usual in the English House of Commons, to appoint a committee for courts of justice, with power to enquire into the proceedings of courts, and for this purpose to call persons before them for examination. But, sir, is not such a committee appointed for general purposes, not directed against any individual, and therefore not affecting the character of any particular magistrate? Their powers relate to the judicial system generally, and do not implicate any one of the judicial officers. Does the resolution on the table propose a committee of this kind? On the contrary it is explicitly directed against two of the judges. If gentlemen would justify their proceedings by the practice of the British house of commons, let the resolution be made to have a general reference to all the courts instead of being pointed as it now is, against particular persons. In its present form, it departs essentially from the principle of the case mentioned by the gentleman from Maryland, and therefore cannot be warranted by that precedent.

The gentleman has also stated, that a committee was appointed, by the last Congress, to investigate the accounts of the officers of government, merely upon common report. But it should be remembered, that those officers were officers of the executive departments. It is the acknowledged duty of such officers, it is made their duty by law, to give information to Congress, whenever required, upon any of their public transactions.—And it is the peculiar rights of the House of representatives, as guardians of the treasury, at any time, to enquire into the expenditures of public money. But are the judges of the United States placed in the same situation with the executive officers.—Are they to be under the same controul and to be equally dependent? You may indeed impeach the judges, if guilty of impeachable offences. But what other power over them is given you by the constitution? It should further be remembered, that the resolution for appointing the investigating committee did not criminate any particular officer. At first it was proposed to examine only the accounts of the former secretary of state. But upon its being suggested, by a gentleman from Massachusetts, Mr. Eustis, who has been so strenuous an advocate for the present resolution, that it would be improper in that manner to attack the character of a particular officer, the resolution was made general, and extended to the accounts of all the executive departments.

Upon the like principle, the resolution now on the table is improper. My objection to it is, that it points out two particular officers as objects of suspicion, and proposes a committee for enquiring into their conduct, without assigning any cause, and without specifying any subject of enquiry. Gentlemen have expressed a dissatisfaction, that such a committee should be compared to the Star chamber or the Inquisition. If they do not perfectly resemble the Star Chamber, formerly known in England, or the inquisition of Spain, the proposed powers of the committee are certainly indefinite and inquisitorial. Perhaps, if a comparison was necessary, they might more properly be compared to the State Inquisitors of Venice—who are well known to have formed one of the most detestable tyrannies ever tolerated in a country pretending to freedom.

If charges were specified in the resolution, a member of this House, on moving it, might then have a right to demand an enquiry. But are the house bound to investigate the conduct of a particular officer, without any charge against him? Gentlemen have said much about the general right of the house to enquire into the conduct of public officers, as if this were the point in dispute. But who has denied the right of enquiry as incident to the power of impeachment? When any officer is charged with an impeachable offence it is admitted to be, and from the nature of the thing it might be the right of the house to enquire into the truth of such charge. I trust, no gentleman in opposition to the present resolution can be found so ignorant of the true principle on which it is opposed as to deny the responsibility of the public officers, or the right of the House to enquire into their conduct. But, the right being admitted, the question is made as to the exercise of that right, in the manner now proposed. When this house is called upon, to direct the whole force of its influence against a particular judge, is it not reasonable, is it not just, that some charge should first be stated against him? This is but a decent respect to judicial character. It is but a decent respect to the character which becomes the assembled representatives of a nation. The person implicated, might then be enabled to meet the enquiry and obviate unfounded suspicion. Our power with respect to the judges is the power of impeachment; but we are not therefore justified in wantonly assailing their characters and sporting with their sensibility to reputation. The right of enquiry relates to impeachable offences. Shall we then enquire where no offence is stated? So far is the resolution from stating what would warrant an impeachment, that it does not mention any offence, or refer to any transaction.

The gentleman from Virginia, who moved the resolution, Mr. J. Randolph, has indeed declared his own conviction, that the judicial officer in question, had done wrong. Might not other gentlemen also have their opinions, and exercise their own judgments in forming them? They ask for the reasons of his conviction, before they vote for his resolution. His information, he says, was received in such a manner that he does not choose to disclose it. If any person has communicated any thing to him confidentially, he is not desired to name his informant. The gentleman shall not be desired by me to make any disclosure which would offend against the most delicate sentiment of honor. But can it be improper for him to state the general nature of the offence which he believes to have been committed? Will this violate any honorary confidence? He is desired to make such a statement, that other members of the House may have an opportunity of judging whether the believed offence would warrant a vote of impeachment. In cases of this kind, is any member to be deemed infallible? When a gentleman in his place states a fact as of his own knowledge, his veracity is regarded as unquestionable; but his infallibility is not supposed to extend to matters of mere opinion. Upon the principle of its being possible for the gentleman from Virginia to err in opinion, and its being equally the right of other members to judge what conduct amounts to an impeachable offence, it might have been reasonably thought that he would at least state to the House the nature of the facts on which he relies as the basis of his resolution. If he, or any other member, declaring his conviction that a judge has misdemeaned himself in office, will exhibit to the House a statement of any fact, or series of facts which would warrant an impeachment, I will be ready instantly to vote for an enquiry. But nothing of this kind is exhibited; and therefore the resolution on the table is now opposed. Before you agree to oppress a judge with all that weight of suspicion which may be imposed by a vote of this House, let him be permitted to know what part of his conduct is supposed to be exceptionable, that opportunity may be had, in the progress of any enquiry, to vindicate himself against unmerited reproaches! Instead of a course of proceeding so fair and so obviously just, the resolution on the table marks two